

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:94-CR-53-D

UNITED STATES OF AMERICA

v.

EARNEST THOMAS,

Defendant.

)
)
)
)
)
)
)

ORDER

On September 14, 2015, Earnest Thomas appeared with counsel in order to address a revocation motion filed on July 19, 2015. See [D.E. 76]. As reflected in the revocation motion and the records of this court, Thomas was arrested pursuant to a warrant and criminal complaint in March 1994 [D.E. 1, 2, 7], indicted in April 1994 [D.E. 14], and pleaded guilty in October 1994 pursuant to a plea agreement to conspiracy with intent to distribute in excess of 50 grams of cocaine base (“crack”) in violation of 21 U.S.C. § 846. See [D.E. 48, 49]. On March 6, 1995, the court sentenced Thomas to 360 months’ imprisonment and 60 months of supervised release. See [D.E. 53]. Thomas appealed, and the United States Court of Appeals for the Fourth Circuit dismissed his appeal. See [D.E. 55, 56, 57]. Thomas then served his prison sentence.

Upon being released from prison in 2015, Thomas insisted to his probation officer that his case was dismissed in 1995, that he was held illegally from his arrest in 1994 until his release in 2015, and that he does not have a 60-month term of supervised release. See [D.E. 76]. At the hearing on September 14, 2015, Thomas persisted in these views.

At the hearing on September 14, 2015, defense counsel questioned Thomas’s competence to proceed with the revocation hearing. Based on this court’s observation of and interaction with Thomas at the hearing on September 14, 2015, this court has grave concerns about Thomas’s competence. Pursuant to 18 U.S.C. § 4241(a), the court finds “reasonable cause to believe that

[Thomas] may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings about him or to assist properly in his defense.” 18 U.S.C. § 4241(a). Thus, Thomas is remanded to the custody of the Attorney General for a psychological or psychiatric evaluation. See 18 U.S.C. § 4241(b). Upon receipt of the report, the court will conduct further proceedings.

SO ORDERED. This 14 day of September 2015.


JAMES C. DEVER III
Chief United States District Judge